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2 UNITED STATES DISTRICT COURT
3 DISTRICT OF NEVADA

4 * * *

5 BRENDAN NASBY,

Case No. 3:07-cv-00304-LRH-WGC

6 Petitioner,

ORDER

7 v.

8 E.K. MCDANIEL, et al.,

9 Respondents.

10 This counseled habeas matter is pending before the Court for merits review. Current
11 counsel was appointed while this action was on appeal before the Ninth Circuit. As the record
12 reflects, the operative petition is petitioner's original, *pro se* petition, despite the fact that petitioner
13 was previously represented by counsel in this matter and prior federal counsel was given leave to
14 file an amended petition on his behalf. In his reply, petitioner asserts that his prior federal counsel
15 inadequately represented him and argues that "any shortfalls in [the] original pro per petition must
16 be excused for lack of meaningful access to legal resources, or [petitioner] must be able to use this
17 Reply brief and/or a future supplemental petition to cure any alleged errors in pleading his habeas
18 claims herein." (ECF No. 127 at 5). The Court understands petitioner to be asking for leave to
19 amend his petition, albeit in the incorrect manner. Nevertheless, in light of the history of this
20 particular case, the Court is considering granting petitioner's request. However, respondents
21 should have an opportunity to respond to petitioner's request. IT IS THEREFORE ORDERED
22 that, within twenty days of the date of this order, respondents shall file a response to petitioner's
23 request to amend the petition.

24 IT IS SO ORDERED.

25 DATED this 21st day of February, 2019.

26 
27 LARRY R. HICKS
28 UNITED STATES DISTRICT JUDGE